

**Department of Landscape Architecture** 101 Temple Hoyne Buell Hall, MC-620

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http://landarch.illinois.edu

June 20, 2017

#### VIA ELECTRONIC TRANSMISSION

Ms. Kaamilyah Abdullah-Span Senior Associate Director Office of Diversity, Equity and Access 1004 S. Fourth Street, M/C 523 Champaign, Illinois 61820-5711

Re: Professor Amita Sinha

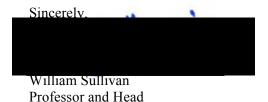
Dear Ms. Abdullah-Span:

In my role as the Head of the Department of Landscape Architecture on this campus, I reviewed the report that you prepared in conjunction with your investigation into allegations of sexual harassment that were brought against a professor within this department, Dr. Amita Sinha.

Your summary contained an analysis and a determination with regard to the claims brought against Dr. Sinha, as well as certain recommendations.

On behalf of the Department, I accept the recommendations that you proposed, including the recommendation that appropriate employment action be taken against Dr. Sinha should she elect not to resign her employment.

Thank you for your assistance in the handling of this matter. Please do not hesitate to contact me should you require anything further from me.



# UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN



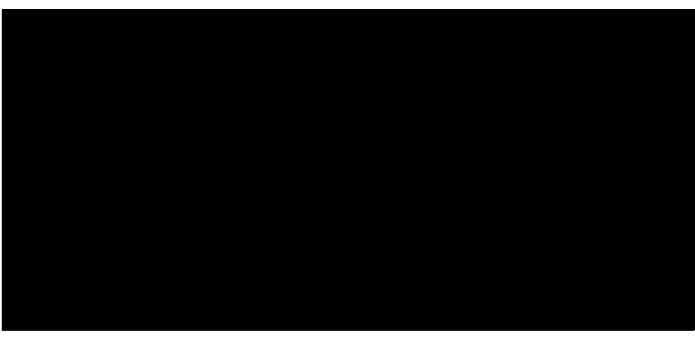
Office of Diversity, Equity, and Access Suite 310 1004 South Fourth Street Champaign, IL 61820

June 19, 2017

# CONFIDENTIAL

I. Summary



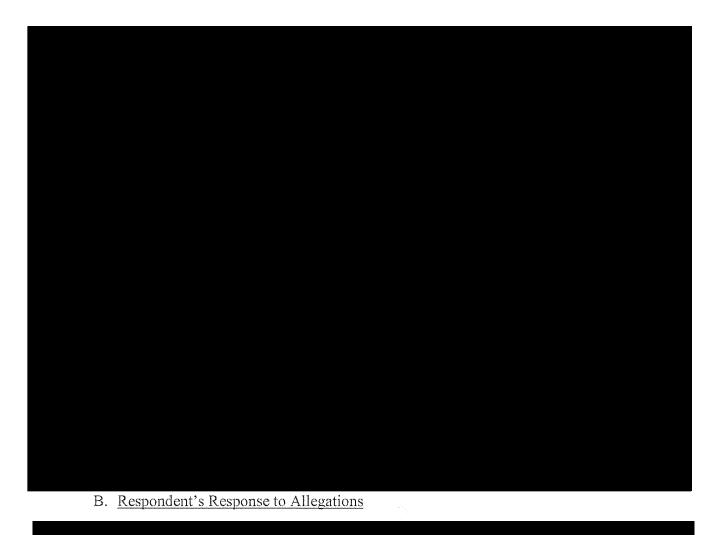


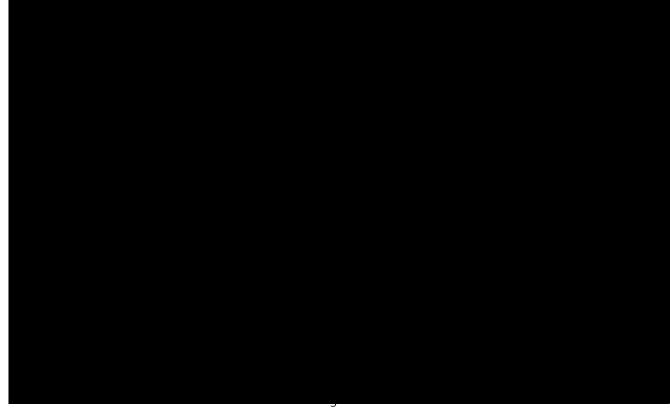


# II. Allegations and Response

A. Complainant's Allegations









### III. Applicable Policies

The University of Illinois at Urbana-Champaign ("University") is committed to providing a safe and welcoming campus environment free from discrimination based on sex, which includes sexual assault, sexual exploitation, stalking, sexual harassment, dating violence, and domestic violence (collectively referred to as sexual misconduct).

alleges that Professor Sinha has violated the sexual harassment and stalking provisions of the Sexual Misconduct Policy.

# A. Sexual Harassment

The University's *Sexual Misconduct Policy* defines sexual harassment as unwelcome sexual, sexbased, or gender-based conduct, whether verbal, written, electronic and/or physical in nature that is:

(1) sufficiently severe or pervasive; and (2) objectively offensive; and (3) unreasonably interferes with, denies, or limits a person's ability to participate or benefit from educational and/or employment opportunities, assessments, or status at the University; or

by a person having power or authority over another in which submission to such conduct is made explicitly or implicitly a term or condition of educational and/or employment opportunities, participation, assessments, or status at the University.

In order to establish a violation of sexual harassment, the evidence gathered would need to establish that Professor Sinha engaged in unwelcome conduct of a sexual nature with and that (a) Professor Sinha's behavior was sufficiently severe or pervasive as to create what a reasonable person would deem to be a hostile, intimidating, or repugnant environment (hostile environment); or submission or opposition to the conduct was made an express or implied condition of career advancement (quid pro quo harassment).

#### B. Stalking

The Sexual Misconduct Policy defines stalking as: two or more acts directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress, and includes, but is not limited to, following, monitoring, surveilling, or threatening a person; initiating or continuing contact with a person without consent; or interfering with or damaging a person's property.

To determine a violation of this provision of the Policy, the evidence would need to demonstrate that Professor Sinha followed, monitored, surveilled, and/or initiated or continued contact with without consent two or more times in a manner that caused to fear for or another's safety, or caused significant emotional distress.

### IV. Analysis and Findings

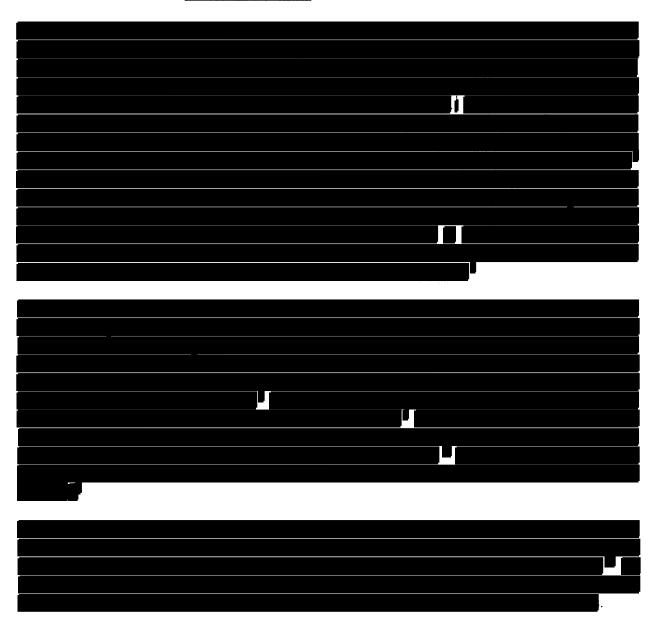
In accordance with the *University's Policies and Procedures for Addressing Discrimination and Harassment at the University of Illinois at Urbana-Champaign*, I reviewed claims using a preponderance of the evidence standard. To uphold a claim under this standard, the evidence offered in support of the claim must be found to be more convincing than the evidence that is offered to the contrary.

#### A. Sexual Harassment

#### 1. Hostile Environment

To establish a hostile environment claim, the evidence must show that was subjected to unwelcome conduct based upon his sex that an objective person would find offensive, and that the conduct was so severe or pervasive that it altered the conditions of his working environment.

# a. Severe or Pervasive



<sup>&</sup>lt;sup>1</sup> Exhibits A and B.

<sup>&</sup>lt;sup>2</sup> Exhibit A, pages 5-10, 15-23; Exhibit B, pages 1, 3, 5. 8, 10, 16, 18-19, 21, 24, 27.

<sup>&</sup>lt;sup>3</sup> Exhibit A, pages 4-5, 12-13, 42-44; Exhibit B, pages 16, 19, 28, 21.

<sup>&</sup>lt;sup>4</sup> Exhibit A, page 5.

<sup>&</sup>lt;sup>5</sup> Exhibit A, page 6.

<sup>&</sup>lt;sup>6</sup> Exhibit A, page 8.

<sup>&</sup>lt;sup>7</sup> Exhibit A, page 13.

<sup>&</sup>lt;sup>8</sup> Exhibit A, page 16.

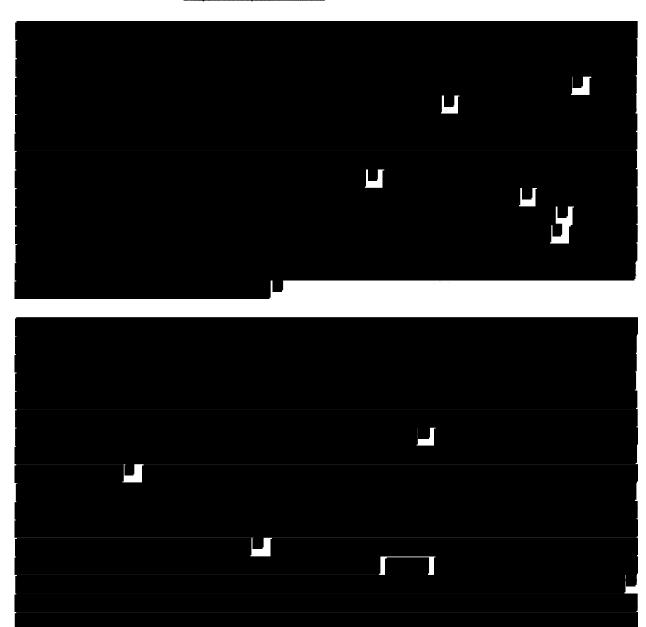
<sup>&</sup>lt;sup>9</sup> Exhibit A, page 19.

<sup>&</sup>lt;sup>10</sup> Exhibit A, page 18.

<sup>&</sup>lt;sup>11</sup> Exhibit B, pages 1-28.

<sup>&</sup>lt;sup>12</sup> Exhibit B, page 13.

# b. Objectively Offensive



<sup>&</sup>lt;sup>13</sup> Exhibit A, page 5.

<sup>&</sup>lt;sup>14</sup> Exhibit A, pages 11-26.

<sup>&</sup>lt;sup>15</sup> Exhibit A, page 6.

<sup>&</sup>lt;sup>16</sup> Exhibit A, pages 7, 9, 14, 16-17; Exhibit B, pages 19, 21, 24.

<sup>&</sup>lt;sup>17</sup> Exhibit A, page 17.

<sup>&</sup>lt;sup>18</sup> See Exhibit B, page 4.

<sup>&</sup>lt;sup>19</sup> Exhibit B, page 24. Emphasis original to document.

<sup>&</sup>lt;sup>20</sup> Exhibit A, page 21.

<sup>&</sup>lt;sup>21</sup> Ibid.

<sup>&</sup>lt;sup>22</sup> Exhibit A, pages 23-26.

<sup>&</sup>lt;sup>23</sup> Exhibit B, page 23.



<sup>&</sup>lt;sup>24</sup> Exhibit B, page 9.

<sup>&</sup>lt;sup>25</sup> Exhibit A, page 27.

<sup>&</sup>lt;sup>26</sup> Exhibit A, page 27-28.

<sup>&</sup>lt;sup>27</sup> Exhibit A, pages 28-49.

<sup>&</sup>lt;sup>28</sup> Exhibit A, pages 35, 43-45. <sup>29</sup> Exhibit A, pages 44-46.

<sup>&</sup>lt;sup>30</sup> Exhibit C.





c. <u>Unreasonable Interference</u>



Thus, it is for these reasons that I conclude that unequivocally satisfies the requisite elements necessary to establish that has been subjected to a hostile work environment, and therefore, sexual harassment as defined by the Sexual Misconduct Policy. Neither party reported force or the threat of force, intimidation, or other undue influence; therefore, the conduct described herein does not meet the requisite severity threshold. 2. Ouid Pro Ouo To establish quid pro quo harassment, the evidence must show that Professor Sinha used her power or authority as a professor to explicitly or implicitly condition employment opportunities, participation, assessment, or status for on his submission to her conduct. No evidence exists that supports a claim of Ouid Pro Quo harassment. B. Stalking To establish a violation of stalking, Professor Sinha must have engaged in: 1) two or more acts that would cause to reasonably fear for his or others' safety, or 2) to suffer substantial emotional distress, and includes, but is not limited to: following, monitoring, surveilling, or threatening a person; initiating or continuing contact with a person without consent; or interfering with or damaging a person's property. has made no mention that has feared for or others' safety. As such, I cannot make a finding of stalking under this prong of the policy provision. However, expressed that Professor Sinha's continued communications have and continue to cause significant emotional distress. Accordingly, we will evaluate whether the evidence as presented supports a finding of stalking.

For the foregoing reasons, and based on a preponderance of the evidence, I conclude that Professor Sinha has violated the stalking provision of the <i>Sexual Misconduct Code</i> by initiating and continuing contact with after being expressly directed not to multiple times, and thus causing significant emotional distress.
V. Conclusion
Professor Sinha has engaged in repeated, unwanted attention intermittently for fifteen years, despite repeated requests by to stop engaging in such conduct. Professor Sinha has demonstrated numerous times that she is unable to respect the boundaries established by her colleague and adhere to the directives of the department administration, even after being explicitly told that her conduct is causing distress to a colleague. She has maintained that she was not aware that construed her actions toward as sexual harassment. As such, it is the recommendation of ODEA that the unit executive officer for Landscape Architecture, in coordination with Academic Human Resources, take appropriate employment action consistent with these findings.
It is also the recommendation of ODEA that the department's leadership undergo in person training on what constitutes sexual harassment and steps to address reported incidents of sexual harassment and other forms of sexual misconduct. As a result of having violated the sexual harassment and stalking provisions of the <i>Sexual Misconduct Code</i> , this report shall be permanently placed in

<sup>35</sup> Exhibit H.

This report represents ODEA's final and complete investigation of this matter. Pursuant to the campus' *Policies and Procedures for Addressing Discrimination and Harassment at the University of Illinois at Urbana-Champaign*, the head of Landscape Architecture shall submit a response to this report and its recommendations within twenty-eight (28) calendar days of receiving it. Thereafter, either party will have fourteen (14) calendar days to appeal the Dean's decision or any portion of this report.

This report is private and confidential. It is not be shared or circulated to others except as necessary for implementing recommendations.

Sincerely,

Kaamilyah Abdullah-Span Senior Associate Director